

**Judge Michael A. Pitman  
501 Texas St., Ste, 300B  
Shreveport, Louisiana 71101**

December 9, 2020

~~Ms. Angela Newsom  
Director, Campaign Finance and Lobbying Division  
Louisiana Board of Ethics  
P.O. Box 4368  
Baton Rouge, LA 70821~~

Dear Ms. Newsom:

I am a District Court Judge and was recently re-elected, without opposition, to my fourth term in office. I have not had a contested campaign since I was first elected in 2003.

My campaign treasurer filed the 30<sup>th</sup> Day Prior to Primary Report (30-P) for the November 3, 2020 election on October 6, 2020. I received a letter and a Late Fee Assessment Order from you informing me that the 30-P was filed 1 day late.

The Late Fee Assessment Order, states that La. R.S. 18:1505.4A(2)(a)(ii) "...provides an **automatic late fee of \$60 per day ...**" (emphasis added). In actuality, La. R.S. 18:1505.4A(1) states: "Any candidate, the treasurer or chairman of a political committee, or any other person required to file any reports under this Chapter, **who knowingly fails to file or who knowingly fails to timely file** any such reports as are required by this Chapter **may be assessed a civil penalty** as provided in R.S. 18:1511.4.1 for each day until such report is filed" (emphasis added). La. R.S. 18:1505.4A(2)(a)(ii) states: "The amount of such penalty **may be**: Sixty dollars per day, not to exceed two thousand dollars, for any candidate for district office..." (emphasis added). Therefore, the late fee is not "automatic" but is, according to the statute, discretionary but only if the candidate knowingly fails to timely file. Despite the misstatement of law, I did not request a waiver or an appeal and promptly paid the \$60 late fee.

In a letter dated November 17, 2020 I was notified that the Board of Ethics received my payment of \$60.

In a separate letter also dated November 17, 2020, you state, "Because you failed to timely file 30<sup>th</sup> Day Prior to Primary Report (30-P) campaign finance report for the November 3, 2020 election, the \$280 suspended amount related to the 30-P campaign finance disclosure report for the November 4, 2014 election is now due and owing." Your letter also states, "**You do not have the right to request a waiver or an appeal**" (emphasis added).

In another letter dated November 17, 2020, you also state, "Because you failed to timely file 30<sup>th</sup> Day Prior to Primary Report (30-P) campaign finance report for the November 3, 2020 election, the \$540 suspended amount related to the 2014 Supplemental campaign finance disclosure report for the November 4, 2014 election is now due and owing." This letter also states, "**You do not have the right to request a waiver or an appeal**" (emphasis added).

As a judge, and someone who has been a member of the Louisiana State Bar Association for 30 years, I am surprised that a state agency would take the position that a citizen of this state has no right to due process.

Your letters further state:

If you do not pay the (\$280) (\$540) suspended portion, it will be forwarded to the Attorney General's Office for collection. If the matter is forwarded to the Attorney General, you may be responsible for all additional costs incurred.

Note that any unpaid fines, fees, or penalties may have an adverse effect on your ability to run for public office, as the *Board of Ethics* will object to your candidacy in future elections pursuant to La. R.S. 18:491 and 18:493.

There are some issues in these two paragraphs. First, the decision to impose fines from 2014, in the middle of a world-wide pandemic that has had a devastating impact on the operations of the court system, is disappointing.

Those of us who serve as trial judges literally put our health, and the health of our loved ones, at risk each day we enter the courthouse, which in my case, is every day. In addition, we have the exceedingly difficult task of keeping the court system operating with reduced staff. My assistant was out for four weeks between October and November.

To illustrate the seriousness of this virus, our court has had many employees and lawyers out for weeks due to COVID. I personally know five people who have died and countless others who are, or were, extremely ill. Currently, the number of cases in Louisiana is at an all-time high. In spite of the risk to our health, we continue to keep the courts open on a daily basis.

On the other hand, the public we serve has been given the benefit of suspended prescription periods, delays to file appeals and a stay on evictions, while the judges are fined if we miss a filing deadline in an uncontested election by mere hours. In short, the same judges who risk our health and lives to ensure the public has access to due process are deprived of the same due process by the *Board of Ethics*.

Second, I, and other similarly situated judges, have the option of paying the fine or being prosecuted by the same Attorney General's Office that often represents the judiciary. This seems to present an inherent conflict of interest. (See the attached letter from Attorney General, Jeff Landry.)

Third, if I, and other similarly situated judges, choose not to pay the fine then the *Board of Ethics* will object to our right to seek re-election, or any other office, which will adversely impact our ability to earn a living-all without due process of law.

If I am allowed the right to request a waiver or an appeal, I would show that my campaign treasurer did not knowingly fail to timely file the 30-P for the November 3, 2020 election. I would also show that the supplemental campaign finance disclosure report for the November 4, 2014 election was filed timely, in accordance with law (as reflected by your website) and the fine that was suspended should never have been imposed.

In the alternative, I would respectfully request that the discretionary fine should be suspended during this pandemic, especially in an uncontested election, that had no campaign finance activity.

I am enclosing two separate checks drawn on my personal checking account, one is in the amount of \$280 and the other is in the amount of \$540 which I am respectfully tendering under protest for the reasons stated above.

Respectfully submitted,



Judge Michael A. Pitman

cc:

Louisiana Board of Ethics Chairman,

✓ Bob McAnelly

Board members,

Charles Emile "Peppi" Bruneau, Jr.,

Sarah S. Couvillon

Mark A. Ellis

Rev. Jose I. Lavastida

La Koshia R. Roberts

Paul Harvey Colomb

Edward B. Dittmer

Robert W. Grand

Dr. John M. Meinert

Liddell Smith



Jeff Landry  
Attorney General

**State of Louisiana**  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
P.O. BOX 94005  
BATON ROUGE  
70804-9005

November 4, 2020

Hon. Mike Pitman  
501 Texas St., Ste. 300 D  
Shreveport, LA 71101

Dear Judge Pitman,

On behalf of the Louisiana Department of Justice, I send our sincere congratulations on your successful re-election as Judge. We wish you the very best as you represent your constituents in the 1st Judicial District.

President John F. Kennedy challenged all Americans to “ask not what your country can do for you, ask what you can do for your country.”

Your willingness to serve the public is an answer to that call. And as your Attorney General – I am committed to helping public officials, like yourself, properly execute their obligations.

Please know that my staff and I are always available to assist you with any questions and to provide you with useful information to help serve your neighbors.

Congratulations again. Our prayers and well wishes are with you. Together – we can make our State an even better place to live, work, and raise a family.

For Louisiana,

Jeff Landry  
Attorney General